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Date: 1/22/2015 1:28:56 PM

Subject: RE: Blacktail Creek Brine Spill

There have been 3 NRC reports (1106269, 1105983, and 1105105) over the last three weeks on this particular produced water spill, with only the most recent one getting to any indication on the volume of the discharge, which may have occurred beginning in December, per ND DOH...

The communication from PRP representatives has been poor and inconsistent with the Phone Duty OSCs. I spoke with Kris Robbert from ND DOH, who has been involved in the site since the beginning. He confirmed that the RP has Stantech, a response contractor out there working on remediation. He also indicated that they had constructed underflow structures before the confluence of Blacktail Creek and Muddy Creek and coordinated that through USACE for the 404 permitting. I still need to confirm that piece. He indicated that there was likely a discharge of produced water that reached the Missouri River, but that the containment structures kept the majority of oil in a pocket within the Blacktail Creek beneath the ice cover there. When Stantech began removing the brine from Blacktail Creek they found a pocket of approximately 50 bbls of oil, but haven't recovered any since. Kris indicated that this was more than they expected to find. He stated that ND wildlife officials have been involved in the assessment, but, like the Bridger spill, everything is covered in ice, so assessment is difficult. So far 64,000 gallons of brine have been recovered and disposed of in three different oily water disposal facilities in the Bakken.

I am working to gather more information from the RP on how they arrived at their calculations to reconcile that with conflicting information in the NRC reports, press releases, and the information from NDDOH. I am also planning on having CID take a look at things from that perspective too.

NPFC has traditionally pushed back on EPA in discussions about opening FPNs for produced water spills, especially with the time lapse since the original report, but I will give it a shot since we have a captive audience at Glendive. It is much easier when it is on tribal reservations or trust land than it is when it's not. Either way, ND DOH says they are on top of the cleanup, and have been from the beginning, so we're all a bit late to the party, unfortunately.

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From: Robert Stewart [mailto:robert_f_stewart@ios.doi.gov]
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Subject: Blacktail Creek Brine Spill

National media coverage. Most recent NRC report also attached.

Is there enough hydrocarbon (oil) in the water to trigger EPA jurisdiction (and response)? Please advise at your earliest convenience.

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